

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Joint Application of AT&T Communications of California, Inc. (U 5002 C) and WorldCom, Inc. for the Commission to Reexamine the Recurring Costs and Prices of Unbundled Switching in Its First Annual Review of Unbundled Network Element Costs Pursuant to Ordering Paragraph 11 of D.99-11-050.

Application 01-02-024  
(Filed February 21, 2001)

Application of AT&T Communications of California, Inc. (U 5002 C) and WorldCom, Inc. for the Commission to Reexamine the Recurring Costs and Prices of Unbundled Loops in Its First Annual Review of Unbundled Network Element Costs Pursuant to Ordering Paragraph 11 of D.99-11-050.

Application 01-02-035  
(Filed February 28, 2001)

**ADMINISTRATIVE LAW JUDGE'S RULING ON MOTIONS  
TO INTERVENE OF SAGE TELECOM, INC. AND MPOWER  
COMMUNICATIONS CORPORATION AND MOTION TO  
STRIKE COMMENTS OF MPOWER**

**I. Motions to Intervene**

On November 5, 2001, Sage Telecom, Inc. (Sage) filed a motion to intervene in the above-captioned proceeding. On November 20, 2001, Mpower Communications Corporation (Mpower) filed a similar motion. There were no responses to the motions to intervene.

Sage is a Texas-based competitive local exchange carrier that only recently received Commission authorization to provide local exchange service in the

service territory of Pacific Bell Telephone Company (Pacific). Sage states that it serves over 215,000 access lines in other states through the purchase and combination of unbundled network elements, also known as “the UNE Platform.”

Mpower has Commission authority to offer facilities-based interexchange and competitive local exchange services in California.

Both Mpower and Sage request to intervene as parties in this proceeding because they have a material stake in the costing and pricing issues at the heart of this proceeding. Both parties maintain that they will not broaden the issues in the case or unduly delay the schedule. Good cause having been shown, the requests to intervene should be granted.

## **II. Motion to Strike Comments of Mpower**

On November 8, 2001, Pacific filed a motion to strike the reply comments of Mpower which were filed on October 29, 2001. Pacific notes that Mpower’s reply comments do not respond to anything addressed in Pacific Bell’s October 19 Comments on interim loop pricing and Pacific does not have an opportunity to respond to the new topics addressed by Mpower. Further, Pacific correctly notes that Mpower does not have standing to submit reply comments because at the time the comments were filed, it had not requested intervenor status.

In a September 28, 2001 ruling in this proceeding, the Assigned Commissioner and I established a schedule for further comments on the motion for interim relief filed in August by AT&T and Worldom (Joint Applicants). The ruling specifically asked Pacific to comment on the Joint Applicants’ interim loop pricing proposal and allowed replies to Pacific’s comments. Mpower’s comments are not responsive to Pacific’s comments and do not address the

arguments raised by Pacific with regard to the interim loop pricing proposal. Mpower's comments exclusively address the alleged "price squeeze" caused by the relationship between loop costs and the pricing for business telecommunications services in California. Pacific is correct that these comments do not respond to Pacific's comments and should be stricken.

**IT IS RULED** that:

1. The motions to intervene filed by Sage Telecom, Inc. and Mpower Communications Corporation (Mpower) are granted.
2. The process office and the parties are directed to add the following names to the service list for this proceeding:

Glenn Stover  
Attorney for Sage Telecom, Inc.  
Hanson, Bridgett, Marcus, Vlahos & Rudy  
333 Market Street, 23<sup>rd</sup> Floor  
San Francisco, CA 94105  
415-995-5832  
gstover@hansonbridgett.com

John L. Clark  
Attorney for Mpower Communications Corp.  
Goodin, MacBride, Squeri, Ritchie & Day  
505 Sansome Street, 9<sup>th</sup> Floor  
San Francisco, CA 94111  
415-765-8443  
jclark@gmssr.com

3. The Commission's website posting of the service list for this proceeding shall be amended accordingly.

4. Pacific Bell Telephone Company's motion to strike the comments filed by Mpower on October 29, 2001 is granted.

Dated December 6, 2001, at San Francisco, California.

/s/ DOROTHY J. DUDA

Dorothy J. Duda  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling on Motions to Intervene of Sage Telecom, Inc. and Mpower Communications Corporation and Motion to Strike comments of Mpower on all parties of record in this proceeding or their attorneys of record.

Dated December 6, 2001, at San Francisco, California.

/s/ JACQUELINE GORZUCH

Jacqueline Gorzoch

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.